



City Council Agenda

Council President
Henry T. Perea

Councilmembers

Brian Calhoun, Ph.D.
Mike Dages
Jerry Duncan

Cynthia Sterling
Larry Westerlund
Blong Xiong – Acting President

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to this meeting.

June 26, 2007

8:30 A.M. ROLL CALL

Invocation by Pastor Ataloe Woodin of Community Brethren Church

Pledge of Allegiance to the Flag

The agenda is available on (www.fresno.gov). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.
PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of June 19 and June 21, 2007

Action Taken: **Approved**

Councilmember Reports and Comments

Action Taken: **Made**

Approve Agenda

Action Taken: **Approved, as amended**

Adopt Consent Calendar

Action Taken: **Adopted**

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.

- A. Documents pertaining to Fresno Landscaping and Lighting Maintenance District No. 1
1. **RESOLUTION** - Initiate proceedings to levy the annual assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1 (City wide) – Public Works Dept.
Action Taken: **Resolution No. 2007-229 adopted**
2. **RESOLUTION** – Declare intent to levy and collect the annual assessment for Landscaping and Lighting Maintenance District No. 1
Action Taken: **Resolution No. 2007-230 adopted**
- B. **RESOLUTION** - Concerning Local Transportation purpose funds “Measure C” – Finance Department/Budget Division
Action Taken: **Resolution No. 2007-219 adopted**
- C. Approve the agreement with the National Association of County and City Health Officials (NACCHO) for the acceptance of a \$10,000 grant award to support program enhancements to the Fresno Police Department's Medical Reserve Corps program – Police Dept.
Action Taken: **Approved**
- D. Authorize the Chief of Police to enter into and execute the agreement and required program documents with the Office of Emergency Services and the first amendment to the Memorandum of Understanding (MOU) with the Marjorie Mason Center for the Law Enforcement Specialized Units Program, Violence Against Women 2007 grant project extension – Police Dept.
Action Taken: **Authorized**
- E. * Adopt a CEQA Mitigated Negative Declaration for the project, and approve the purchase of 2.85 acres located at 717 S. Seventh Street and Ventura Avenue utilizing \$502,200 in home program funds – Planning and Development Dept.
Action Taken: **Adopted**
- F. * Approve Amendment II increasing consultant services agreement with Krazan and Associates Inc. to \$180,000 for environmental services for affordable housing projects, programs and activities – Planning and Development Dept.
Action Taken: **Approved**
- G. **RESOLUTION** – Approving formation of a tax exempt nonprofit entity for the specific purpose of producing affordable housing, creating economic development opportunities, support planning activities and authorization for execution of necessary documents – Planning and Development Dept.
Action Taken: **Resolution No. 2007-231 adopted**

1. **CONSENT CALENDAR CONTINUED**

- H. Adopted Resolution of Intention No. 1061-D to rescind and replace Resolution Nos. 2002-298, 2002-299 and 2002-300, which ordered the vacation of various streets and alleys between Illinois Avenue and McKenzie Avenue west of Fresno Street to accommodate the continuing expansion of the Regional Medical Center *(Property located in District No. 3)* – Public Works Dept.
Action Taken: Adopted
- I. **RESOLUTION** - Of Intention to annex Final Tract No. 5589 as Annexation No. 18 to City of Fresno Community Facilities District No. 11 and authorize the levy of special taxes *(Property located in District 1)* – Public Works Dept.
Action Taken: Resolution No. 2007-220 adopted
- J. Reject all bids for Eaton Trail improvements re-bid, Woodward Park *(Property located in District 6)* - Public Works Dept.
Action Taken: Rejected
- K. * Approve five year hangar lease at Chandler Airport to Chris Dillahunty DBA D & D Aircraft Services – Airports Dept.
Action Taken: Approved
- L. * Approve five year hangar lease at Chandler Airport to Don Williams and Jim Wood DBA BCH Aviation Center – Airports Dept.
Action Taken: Approved
- M. * Approve three year hangar lease at Chandler Airport to Wayne Andrews DBA Fresno Airparts – Airports Dept.
Action Taken: Approved
- N. * Approve three year hangar lease at Chandler Airport to John Tomaino DBA American Helicopter – Airports Dept.
Action Taken: Approved
- O. * Approve five year lease at Fresno Yosemite International Airport to DHL Express USA – Airports Dept.
Action Taken: Approved
- P. Adoption of Neighborhood Revitalization Plan for the 464-unit Parc Grove Commons Affordable Housing Project and conditional approval of Home Investment Partnerships (HOME) Program loan funds in the amount of \$1,400,000 to Parc Grove Commons LP for the construction of 147 units in Parc Grove Commons - Phase I – Planning and Development Dept.
Action Taken: Adopted
- Q. **RESOLUTION** - In support of producer responsibility in coordination with the Fresno Green Strategies – Dept. of Public Utilities
Action Taken: Resolution No. 2007-221 adopted
- R. **RESOLUTION** – Adopting a 75% waste diversion goal by 2012 and a zero waste goal by 2025 for the City of Fresno, in coordination with the Fresno Green strategies – Dept. of Public Utilities
Action Taken: Resolution No. 2007-232 adopted
- S. Documents pertaining to Side Letters of Agreement: (Personnel Services Dept.)
1. * Approve Side Letter of Agreement with International Union of Operating Engineers, Stationary Engineers, Local 39, Unit 01, regarding additional holiday services – Personnel Services Dept.
Action Taken: Approved
 2. * Approve Side Letter of Agreement with City of Fresno Professional Employees Association (CFPEA), Unit 13, regarding additional holiday services – Personnel Services Dept.
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

T. * **BILL NO. B- 50 - (Intro. 6/19/2007) (For adoption)** - Amending Section 6, Article 19 of the Fresno Municipal Code relating to the Tow Car Ordinance and amendment of outdated provisions – Police Department
Action Taken: Ordinance No. 2007-53 adopted

U. Report on Code Streamlining Project (City Attorney's Office)

1. * **BILL NO. B-51 - (Intro. 6/19/2007) (For adoption)** - To direct republication of the Fresno Municipal Code to reformat Fresno Municipal Code for purposes of code streamlining
Action Taken: Ordinance No. 2007-54 adopted
2. * **BILL NO. B- 52 - (Intro. 6/19/2007) (For adoption)** - To repeal and add Chapters 1 and 2 to the Fresno Municipal Code related to code streamlining
Action Taken: Ordinance No. 2007-55 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. **SCHEDULED COMMUNICATION –**

1. Appearance by Michael Davis to discuss downtown Fresno, the Fresno Bee and Channel 30 - **Appearance made**

B. **UNSCHEDULED COMMUNICATION –** Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda

9:30 A.M. **GENERAL ADMINISTRATION**

- A. * Award the following multi-prime contracts totaling \$3,242,433.00 related to the Dickey Youth Development Center (**Property located in District No. 3**): (Public Works Dept.)
- a. Reject bids for Bid Package 01; and
 - b. * Award a contract in the amount of \$629,000 To DMG Construction, Inc. for the Bid Package 02; and
 - c. * Award a contract in the amount of \$1,569,000 To DMG Construction, Inc. for Bid Package 03; and
 - d. * Award a contract in the amount of \$227,000 To Broege Construction, Inc. for Bid Package 04; and
 - e. Reject bids for Bid Package 05; and
 - f. * Award a contract in the amount of \$106,800 to Four C's Service, Inc. for Bid Package 06; and
 - g. Reject bids for Bid Package 07; and
 - h. * Award a contract in the amount of \$68,050 to RO's Precise Painting, Inc. for Bid Package 08; and
 - i. Reject bids for Bid Package 09; and
 - j. * Award a contract in the amount of \$279,555 to Max Hayes Plumbing & Heating Co., Inc. for Bid Package 10; and
 - k. Reject bids for Bid Package 11; and
 - l. * Award a contract in the amount of \$363,028 to Kertel Communications DBA Kertel Electric for Bid Package 12
Action Taken: Staff recommendation approved
- B. **RESOLUTION –** Of intention of the Council of the City of Fresno, California to co-sign an interim loan for the Fresno Metropolitan Museum for construction expenditures to be reimbursed from the proceeds of indebtedness secured by the Fresno Metropolitan Museum – City Manager's Office
Action Taken: Resolution No. 2007-222 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:45 A.M.

CITY COUNCIL

- A. * **BILL NO. B- 54 – (Intro. 6/19/2007) (For adoption)** - Consideration of amendment to Fresno Municipal Code Section 7-546(1) eliminating wager limits for Texas Hold-em – Councilmember Dages
Action Taken: Amended Bill No. B-57 introduced/laid over
- B. **RESOLUTION** – In support of the Feinstein-Hatch Comprehensive Gang Abatement and Prevention Act of 2007 – Councilmember Sterling and Mayor Autry
Action Taken: Resolution No. 2007-223 adopted

9:50 A.M.

Environmental Impact Report (EIR) and contract for the removal, processing and beneficial reuse or disposal of City biosolids (Department of Public Utilities)

1. **RESOLUTION** - Certifying Environmental Impact Report No. 10137 and adoption of necessary findings including statement of overriding considerations
Action Taken: Resolution No. 2007-224 adopted
2. Award one year contract for the removal, processing and beneficial reuse or disposal of biosolids to McCarthy Family Farms, Inc., subject to adoption of resolution certifying Environmental Impact Report No. 10137
Action Taken: Awarded

10:00 A.M.

HEARING to consider formation of Underground Utility District No. FRE-85 (Belmont Avenue between Freeway 41 and Chestnut Avenue) (**Property located in District 7**) – Public Works Dept.

Action Taken: Held

1. **RESOLUTION** - Establishing Underground Utility District No. FRE-85
Action Taken: Resolution No. 2007-225 adopted

10:05 A.M.

HEARING to consider Street Name Change Application No. SNC-2007-02, and environmental findings, filed by the City of Fresno, pertaining to a change in the street name of “F” Street and a portion of W. Herndon Avenue to W. Farrington Avenue between Josephine and Weber Avenues in an area located at or near Herndon Townsite (**Property located in District 2**) – Planning and Development Dept.

Action Taken: Held

- a. Consider and adopt Environmental Assessment No. SNC-07-02, determination of initial study to file a Finding of No Possibility of Significant Adverse Effect exemption from the requirements of the California Environmental Quality Act (CEQA) Street (also known as West Farrington Street) and a portion of West Herndon Avenue to West Farrington Avenue
Action Taken: Adopted
- b. **RESOLUTION** – Approving Street Name Change Application No. SNC-07-02 renaming “F” Street (also known as West Farrington Street) and a portion of W. Herndon Avenue to West Farrington Avenue
Action Taken: Resolution No. 2007-226 adopted

10:10 A.M.

HEARING to consider Street Name Change Application No. SNC-2007-03, and environmental findings, filed by the City of Fresno, pertaining to a change in the street name of N. Josephine Avenue to W. Spruce Avenue in an area located at or near Herndon Townsite (**Property located in District 2**) – Planning and Development Dept.

Action Taken: Held

- a. Consider and adopt Environmental Assessment No. SNC-07-03, determination of initial study to file a Finding of No Possibility of Significant Adverse Effect exemption from the requirements of the California Environmental Quality Act (CEQA)
Action Taken: Adopted
- b. **RESOLUTION** – Approving Street Name Change Application No. SNC-07-03 renaming N. Josephine Avenue to W. Spruce Avenue
Action Taken: Resolution No. 2007-227 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:15 A.M.** **HEARING** to vacate of all street, pedestrian, and utility easements in the area known as Funston Place located southeast of Clinton Avenue and Fresno Street (*Property located in District 7*)
Action Taken: Held
- a. * **RESOLUTION** – Ordering the vacation of all street, pedestrian, and utility easements in the area known as Funston Place located southeast of Clinton Avenue and Fresno Street
 Action Taken: Resolution No. 2007-228
- 10:45 A.M.** **CONTINUED HEARING** regarding City of Fresno Community Facilities District No. 11, Annexation No. 17 (Final Tract Map No. 5730) (*Property located in District 2*) (*Continue to 7/17/2007 @ 10:05 a.m.*)
Action Taken: Continued as noted
- 11:00 A.M.** **CLOSED SESSION**
- A. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)
 Significant Exposure to Litigation:
 1. Federal Aviation Administration (FAA) v. City of Fresno (COF) (GAP Project)
 Action Taken: Removed from the agenda
- B. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, subdivision (a)
 1. **Case Name:** Michael Brooks, et al. v. City of Fresno, et al.
 2. **Case Name:** City of Fresno v. Board of Trustees of the California State University, et al. Superior Court Case No. 07CECG01148
 Action Taken: Held
- 2:00 P.M. #1** **CONTESTED CONSENT CALENDAR**
- 2:15 P.M.** **HEARING** to consider Rezone Application No. R-04-44, and environmental findings, filed by Bonadelle Homes, Inc., pertaining to approximately 58 acres of property located on the south side of E. Clinton Avenue between N. Temperance and N. Locan Avenues – (*Property located in District 4*) Planning and Development Dept.
Action Taken: Held
- a. Consider and adopt Environmental Assessment No. R-04-44/T5341, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan
 Action Taken: Adopted
- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the RR (Rural residential, Fresno County) zone district to the R-1/UGM (Single Family Residential/Urban Growth Management) zone district
 Action Taken: Bill No. B-58/Ordinance No. 2007-56 adopted

2:30 P.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of June 19, 2007

Action Taken: **Approved**

- A. RESOLUTION** - Approving a Redevelopment Grant Agreement between the 21st District Agricultural Association, the Big Fresno Fair, and institution of the State of California and the Redevelopment Agency of the City of Fresno, and making certain findings pursuant to Health and Safety Code Section 33445 of the Community Redevelopment Law, regarding an Agency grant to help fund improvements by the Big Fresno Fair along Kings Canyon Road, located within the Southeast Fresno Revitalization Redevelopment Project Area **(Council and Agency action)**
Action Taken: **Joint Resolution Nos. 2007-233/1701 adopted**

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS

July	3 -		NO MEETING – COUNCIL RECESS
July	10 -		NO MEETING - COUNCIL RECESS
July	17 -	8:30 A.M.	2 nd Quarter Promotional Ceremony – Personnel Services Dept.
July	17 -	10:00 A.M.	HEARING re: Resolution of Intention to annex Final Tract No. 5589 as Annexation No. 18 to CFD No. 11 (Located in District 1) – Public Works Dept.
July	17 -	10:15 A.M.	HEARING re: altering the maximum special tax for CFD No. 2, Annexation No. 81 and 82 (Final Tract Map Nos. 5258 and 5295) – Public Works Department
July	17 -	10:30 A.M.#1	JOINT RDA HEARING - Five Year Implementation Plan for the Roeding Business Park
July	17 -	10:30 A.M.#2	JOINT RDA HEARING – Belair Motel
July	17 -	10:40 A.M.	TEFRA HEARING to consider the acquisition and construction of a 70-unit multi-family residential rental project, commonly known as Yosemite Village
July	17 -	10:50 A.M.	TEFRA HEARING to consider the acquisition and construction of two multifamily residential rental projects, commonly known as Elm Crossings
July	17 -	11:00 A.M.	Presentation regarding general waste discharge requirement update - Dept. of Public Utilities/Sewer Maintenance
July	24 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates for the Summer Quarter (Reception immediately following – 2nd floor foyer)
July	24 -	10:00 A.M.#1	HEARING re: Lighting Maintenance District (City wide) – Public Works Department
July	24 -	10:00 A.M.#2	HEARING to rescind and replace Resolution Nos. 2002-298, 2002-299 and 2002-300, which ordered the vacation of various streets and alleys between Illinois Ave. and McKenzie Ave. west of Fresno Street to accommodate the continuing expansion of the Regional medical Center (Located in District No. 3) – R.I. 1061-D
July	24 -	10:15 A.M.	HEARING regarding CUP No. 01-209 to eliminate parking on Spruce between Blackstone Avenue and Abby Street – Public Works Dept.
July	24 -	10:30 A.M.	TEFRA HEARING to consider FCEOC Early Head Start Child Care Center
Aug.	7 -		NO MEETING – COUNCIL RECESS
Aug.	14 -		NO MEETING - COUNCIL RECESS
Aug.	21 -	10:00 A.M.	WORKSHOP re: update on change in governance structure in the Dept. of Public Utilities